

FILED

FEB 16 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DELORES JACKSON,

Defendant - Appellant.

No. 04-50332

D.C. No. CR-97-00004-SVW-01

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER and BYBEE, Circuit Judges.

Delores Jackson appeals from the district court's order denying her post-judgment motion to receive copies of her probation files. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

The district court did not abuse its discretion in denying the Rule 16 motion. *See United States v. Balk*, 706 F.2d 1056, 1060 (9th Cir. 1983). Moreover, “in criminal cases the Freedom of Information Act does not extend the scope of discovery permitted under Rule 16.” *United States v. United States District Court*, 717 F.2d 478, 480 (9th Cir. 1983).

AFFIRMED.